

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRIAN MAUER,

Plaintiff,

vs.

UNION PACIFIC RAILROAD
COMPANY, a Foreign Corporation;

Defendant.

8:19CV410

AMENDED PROGRESSION ORDER

IT IS ORDERED that the motion to extend (Filing No. 42) is granted and the final progression order is extended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings remains set before undersigned magistrate judge on August 10, 2021 at 10:00 a.m. by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is July 19, 2021. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by August 2, 2021. **Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.
- 3) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): June 11, 2021.

For the defendant(s): July 12, 2021.

Plaintiff(s)' rebuttal: July 30, 2021.

- 4) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	July 12, 2021.
For the defendant(s):	August 12, 2021.
Plaintiff(s)' rebuttal:	August 30, 2021.
- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is January 31, 2022.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is March 18, 2021.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is March 18, 2022.
- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 26th day of March, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge